

**UNITED STATES DISTRICT COURT  
DISTRICT OF MARYLAND**

CHAMBERS OF  
A. DAVID COPPERTHITE  
UNITED STATES MAGISTRATE JUDGE

101 WEST LOMBARD STREET  
BALTIMORE, MARYLAND 21201  
(410) 962-0946  
MDD\_ADCCChambers@mdd.uscourts.gov

July 6, 2021

TO COUNSEL OF RECORD

Re: *Chestnut, et al. v. Kincaid, et al.*  
Civil No. RDB-20-2342

Dear Counsel:

The Plaintiff and Individual Defendants have filed a joint motion to compel the Baltimore City State's Attorney to comply with a records subpoena requesting the production of certain information within the control of the State's Attorney. ECF 48. The State's Attorney has replied in opposition. ECF 49. Joint movants have filed a Reply. ECF 50. The matter is fully represented to the Court and no hearing is necessary. D.Md. Local Rule 105.6.

Movants here request three categories of documents. The first are original documents from the heavily redacted materials produced. Secondly documents and audio and video recordings that were withheld on the basis of personal identifying information and other similar inapplicable exemptions. The last category consists of documents the State's Attorney claims are withheld on the assertion of work product privilege. These nearly identical issues have been litigated in this Court on several occasions and the State's Attorney has been ordered to comply with similar subpoenas. ECF 48-5, 48-6. The Court sees no reason to deviate from its rulings in similar cases.

As to the first category of documents, the State's Attorney offers no legal support for withholding the unredacted documents. The State's Attorney is ORDERED to produce those documents under the confidentiality agreement previously entered by the parties. ECF 28. With respect to the second category of responses, the State's Attorney is ORDERED to produce the documents and audio video recordings. The State's Attorney has failed again to produce this information and presents no legal authority in support of her denial. The second category of documents shall also be produced under the confidentiality agreement, ECF 28. The third category of documents contains photographs which the Court agrees with the movants are not attorney work product and must be disclosed. All factual information being withheld by the State's Attorney shall be produced.

The State's Attorney is ORDERED to comply with this ORDER by July 16, 2021. Any claim of privilege remaining will be properly represented in a privilege log and if necessary submitted to the Court *en camera* for review by separate motion. The State's Attorney for Baltimore City is reminded of her duty as an Officer of this Court to properly respond to discovery which it appears she has failed to do in this case and similar cases in this Court. It is of note that despite the defenses the State's Attorney presented, the Baltimore City Police Department did not object to the relief requested by the joint movants.

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Despite the informal nature of this letter, it is an Order of the Court and will be docketed accordingly.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'A. David Copperthite', with a stylized, flowing script.

A. David Copperthite

United States Magistrate Judge